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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Plaintiff,

V.

PIROUZ SEDAGHATY,

Defendant.

)

) PROPOSED TRIAL EXHIBITS

The United States of America, through its undersigned counsel, herein submits the following response to defendant's proposed trial exhibits.

Agreements

The prosecution has no objection to the Court receiving into evidence the following proposed defense exhibits pretrial:

##612, 669, 670, 672, 673, 674, 677, 679, 730 (objection only as to form; the

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government will agree to a joint stipulation on the substance of this exhibit), 749a, 749b, 750, 751, and 752.

Unable to Yet Determine

There are a number of exhibits proposed by defendant that were reportedly found by the defense in the hard drives seized from defendant Sedaghaty's residence during the search warrant. As the Court is aware, the government voluntarily ceased examining the contents of the hard drives when the defense filed its motion requesting an order to that effect based upon *United States v. Comprehensive Drug Testing, Inc.*, 579 F.3d 989 (9th Cir. 2009) (en banc). This Court has now ruled that the CDT decision is not retroactive and has authorized government agents to resume its review of the hard drives. The government is accordingly in the process of analyzing the hard drives and some of the proposed defense exhibits contained therein (largely E-mails and attachments to E-mails). This analysis is necessary to determine whether the E-mails were actually sent, whether they contained attachments, whether the attachments contained additional information, and whether there were responses to the E-mails. Until that analysis has been completed, the government is unable to provide the Court with an informed determination of whether it objects to those proposed exhibits. The government will be prepared to address the proposed hard drive exhibits at the hearing on May 10, 2010, if not sooner.

Objections

The government objects to the remainder of the exhibits proposed by defendant. Most of the proposed exhibits are inadmissible hearsay. They contain:

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- numerous news articles not found on defendant's computers;
- letters and memoranda to or from Al-Haramain;
- contents from the hard drives which are not relevant to the trial;
- photographs of the defendant with others unknown;
- photographs which are not relevant to the trial;
- FBI reports;
- supposed receipts from the Al-Haramain Islamic Foundation;
- documents related to the Saudi Joint Relief Committee;
- the entire 1,500 page file from accountant Wilcox;
- supposed E-mails sent via Google from fugitive co-defendant Soliman Al-But'he;
- character witness documents; and,
- prison letters.

In addition to the hearsay nature of the exhibits, other bases for objections are temporal relevancy, subject matter relevancy, inadmissible character evidence, and lack of foundation and authentication.

In a separate filing, the government is moving *in limine* to prohibit the defense from attempting to raise issues not pertinent to this trial. If granted, those prohibited subjects will cover many of the proposed defense exhibits.

Finally, it should be noted that the government is making these objections to the *pretrial* receipt of the proposed exhibits. Should competent witnesses testify for the

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defense, including the defendant, the government may agree to the admissibility of some of the proposed exhibits.

DATED this 19th day of April, 2010.

Respectfully submitted,

DWIGHT C. HOLTON
United States Attorney

/s/ Christopher L. Cardani

By: _____
CHRISTOPHER L. CARDANI
Assistant United States Attorney

/s/ Charles F. Gorder, Jr.

By: _____
CHARLES F. GORDER, JR.
Assistant United States Attorney